

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MERCHANT CONSULTING GROUP, INC.,
Plaintiff,

v.

CIVIL ACTION NO. 17-11405-PBS

BECKPAT, LLC d/b/a/ PERFORMANCE
MERCHANT ALLIANCE a/k/a MCG;
NEPTUNE PARTNERS, LLC d/b/a PERFORMANCE
MERCHANT ALLIANCE a/k/a/ MCG;
BILLYGOAT LLC d/b/a MCG,
Defendants.

REPORT AND RECOMMENDATION ON
MOTION FOR CONTEMPT (#36).

KELLEY, U.S.M.J.

This is a Lanham Act case seeking damages caused by defendants' alleged misuse of plaintiff's trademarks. Pursuing discovery, plaintiff Merchant Consulting Group, Inc. (MCG) caused a subpoena duces tecum to be served on the Keeper of Records of a third party, Blue Square Resolutions, LLC (Blue Square), in Scottsdale, Arizona. MCG attests, upon information and belief, that Blue Square has documents responsive to the subpoena within its possession, custody and control. (#36 at 3.) Following numerous attempts by plaintiff to make contact and establish a dialogue with Blue Square (#41-2 ¶¶ 3-5), Blue Square yet failed to respond to the subpoena duces tecum, and MCG filed a motion for contempt pursuant to Federal Rules of Civil Procedure 45(g). (#36.) As redress, MCG requests that Blue Square be found in contempt for not responding to the

8/1/18
The Court
adopts the report
and recommendation.
I remand to the
magistrate judge
for contempt
proceedings if necessary.
Paul D. Sir